

Rule 11b Amendment dated April 7, 2004
Attorney Docket No. 3486-018

Remarks/Arguments

Reconsideration of the subject application as amended herein is respectfully requested.

The Applicant would like to thank the Examiner for the courtesy extended during the interview of April 1, 2004.

The claims were rejected as being anticipated by or obvious over Brown alone or in combination with Garnier. The Applicant respectfully traverses these rejections. Brown discloses an injection syringe which is advanced into a predetermined position and then two drugs are released in sequence while the needle is turning about its axis thereby forming either a sphere, as seen in Figs. 2 and 3 or two joined spherical portions as seen in Fig. 4 (See also Col. 1, lines 43-52). It is clear from the specification and from these drawings that the needle is only rotated only after it has reached the injection site. Therefore the needle is clearly not simultaneously translated and rotated.

The examiner has indicated that he is relying on Brown as teaching that it is well known to twist or turn a needle of a syringe while inserting it through tissue. Brown merely mentions that "the usual procedure is to insert the needle by a sharp jab or pushing action. Pressure is exerted to the plunger of the syringe to inject the contents. At times, a turning or twisting action may be employed to cause the needle to enter the tissue more easily or more easily affect removal." (Col. 1, lines 16-22). This passage indicates that the rotation is performed either when the needle is to enter the tissue or when it is to be removed from the tissue. There is nothing in this passage to indicate

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that it is known in the prior art to rotate and translate the needle simultaneously. The Applicant further notes that Brown discloses a standard syringe that is normally. Certainly it is impossible to jab a needle and rotate it simultaneously.

The claims were further rejected in view of Garnier. This patent shows a complicated mechanism for rotating a needle like using a drill type mechanism that spins the needle around very fast. However there is nothing in this reference about translating the needle simultaneously through a tissue as it is being rotated.

In order to expedite prosecution, the claims have been amended to recite a 180 degree rotation as the needle is advanced, as recited in several claims. None of the references recite this feature and none of them indicate that needle deflection can be accomplished by using such a rotation.

Applicant states that by these amendments new matter is being added to the subject application. Entry into the record is respectfully requested.

Accordingly, it is respectfully submitted that the subject application is allowable.

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New York, New York

Respectfully submitted,

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